



Entered on Docket
January 29, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
Debtor.

Chapter 11

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

**Jointly Administered Under
Case No. BK-S-06-10725 LBR**

In re:
USA SECURITIES, LLC,
Debtor.

**THIRD AMENDED ORDER
ESTABLISHING CASE MANAGEMENT
PROCEDURES
(AFFECTS ALL DEBTORS)**

Affects:
☒ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Date: December 15, 2006
Time: 9:30 a.m.

The Court having heard various motions on December 15, 2006, the Debtors, USA Commercial Mortgage Company ("USA Commercial Mortgage"), USA Securities, LLC ("USA Securities"), USA Capital Realty Advisors, LLC ("USA Realty"), USA Capital Diversified Trust Deed Fund ("USA Diversified"), and USA Capital First Trust Deed Fund ("USA First") (collectively referred to as "Debtors"), appearing by and through their counsel, Ray Quinney & Nebeker P.C. and Schwartz & McPherson Law Firm; other appearances being made upon the record; the Court having considered the status and size of the Debtors' cases and determining that it is beneficial to enter an amended case management procedures, it is hereby

ORDERED that these cases are subject to the following Case Management Procedures:

A. Hearings

1. **Omnibus Hearing Dates** - Unless the Court otherwise schedules or orders, *sua sponte*, or upon the proper filings by a party, all motions, pleadings, applications, other requests for relief, objections, responses, and replies thereto, and all other matters, will be automatically set to be heard at periodic bi-monthly or monthly omnibus hearings scheduled in advance by the Court (the "Omnibus Hearing Dates"). The Court has currently set the following additional Omnibus Hearing Dates:

February 15, 2007 at 9:30 a.m.

March 1, 2007 at 9:30 a.m.

March 15, 2007 at 9:30 a.m.

March 27, 2007 at 9:30 a.m.

Except as otherwise scheduled or ordered by the Court, all motions, pleadings, applications, other requests for relief, objections, responses, and replies thereto, and all other matters ("Request(s) for Relief") shall not be considered by the Court unless filed and served at least twenty five (25) days prior to the next scheduled Omnibus Hearing Date. The deadlines for filing oppositions and replies are set forth below.

2. **Setting A Hearing Not On The Omnibus Hearing Date** - The Court may issue an order shortening time which allows such Request For Relief to be heard on a date that is not an Omnibus Hearing Date if proper support is provided to demonstrate its urgency and that such

urgency is not a result of delay on the part of the party requesting the relief. However, unless such circumstances constitute an extreme emergency, it is unlikely that such Request for Relief will be set on less than ten (10) days' notice.

3. **BMC Website** – Hearing dates and times are subject to change. Unless otherwise ordered, all hearings shall be held at the United States Bankruptcy Court, 300 Las Vegas Blvd. S., Third Floor, Courtroom #1. The Debtors shall post information relating to hearings on the Debtors' Private Website at <http://www.usacapitalcorp.com> and on BMC Group, the Debtors' Noticing Agent's Website at <http://www.bmcgroup.com/usacmc>. The Court may permit parties to attend hearings on a "listen only" basis through the use of a dial in number, which will also be posted by the Debtors on the websites listed above. However, technical or other problems may impair or prevent the utilization of the dial in service. Entities may contact BMC Group at (888) 909-0100 for information concerning future Omnibus Hearings that have been scheduled by the Court.

4. **Objection(s) Deadline to Request(s) for Relief –**

(a) Unless otherwise ordered by the Court, the deadline to file and serve Objections to Requests for Relief (the "Objection Deadline") set to be heard on regular notice on an Omnibus Hearing Date shall be *the earlier of*: (i) fifteen (15) days after the Request for Relief is served, or (ii) five (5) business days before the applicable hearing date. An Objection Deadline concerning a Request for Relief set to be heard on an Omnibus Hearing Date may be extended with the consent of the entity filing the Request for Relief to a date that is no later than five (5) business days before the applicable hearing date.

(b) Unless otherwise ordered by the Court, the deadline to file and serve objections to Requests for Relief set on shortened time shall be no later than three (3) business days before the hearing date.

(c) Any brief filed in reply to an objection to Request for Relief shall be filed *the earlier of* (i) five (5) business days after the filing of an objection to a Request for Relief or (ii) by noon the business day before the applicable hearing date.

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1 **5. Pleadings-**

2 Courtesy copies of all motions, oppositions, replies, and memoranda of law that are set for
3 hearing, together with all exhibits and attachments, must be delivered to the Bankruptcy Court
4 Clerk's office after filing. Copies shall be delivered either by hand or by mail. Delivery shall be
5 made no later than ten business days prior to the scheduled hearing date. A courtesy copy of any
6 pleading filed within ten (10) days of a hearing must be received by the Bankruptcy Court Clerk's
7 office by *the earlier of*: (i) noon the following business day or (ii) noon the business day prior to
8 the hearing.

9 **B. Effective Date of Case Management Procedures**

10 The effective date of this Second Amended Case Management Procedures contained herein
11 shall be the date the Order is entered on the Court's docket.

12 **C. Automatic Sanctions**

13 1. Any attorney who fails to comply with the time requirements for filing objections
14 or oppositions to motions and applications contained in the Case Management Order shall pay the
15 movant or applicant \$300; and

16 2. Any attorney who fails to deliver to the Clerk of this Court a courtesy (paper) copy
17 of his pleadings which are e-filed with the Court by the end of the next judicial business day (but
18 not later than noon the judicial business day before any hearing) shall pay the Court \$75.

19 **D. Compliance with Rule 2019**

20 Bankruptcy Rule 2019 applies to attorneys representing investors in loans serviced by
21 USA Commercial Mortgage Company, and attorneys representing multiple parties shall file the
22 verified statement required by that rule.

23 **SCHWARTZER & McPHERSON LAW FIRM and**
24 **RAY QUINNEY & NEBEKER, P.C.**

25 By: 

26 LENARD E. SCHWARTZER, ESQ.

27 *Counsel for USA Commercial Mortgage Company,*

28 *USA Capital First Trust Deed Fund, LLC*

USA Capital Diversified Trust Deed Fund, LLC

USA Capital Realty Advisors, LLC and

USA Securities, LLC

**THIRD AMENDED ORDER ESTABLISHING CASE MANAGEMENT PROCEDURES
(AFFECTS ALL DEBTORS)**

Approved/Disapproved by:
LEWIS AND ROCA, LLP

Approved/Disapproved by:
GORDON & SILVER, LTD.

By: RC
ROB CHARLES, ESQ.
*Counsel for the Official Committee of
Unsecured Creditors of USA Commercial
Mortgage Company*

By: _____
GREGORY E. GARMAN, ESQ.
*Counsel for the Official Committee of Holders
of Executory Contract Rights of USA
Commercial Mortgage Company*

Approved/Disapproved by:
**BECKLEY SINGLETON, CHTD. and
ORRICK, HERRINGTON & SUTCLIFFE
LLP**

Approved/Disapproved by:
**STUTMAN TREISTER & GLATT, P.C. and
SHEA & CARLYON, LTD.**

By: _____
ANNE M. LORADITCH, ESQ.
*Counsel for the Official Committee of Equity
Security Holders of USA Capital Diversified
Trust Deed Fund, LLC*

By: _____
CANDACE C. CARLYON, ESQ.
*Counsel for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund LLC*

Approved/Disapproved by:
**SARA L. KISTER.
ACTING UNITED STATES TRUSTEE
REGION 17**

By: _____
AUGUST B. LANDIS, ESQ.
Assistant United States Trustee
300 Las Vegas Boulevard South, Suite 4300
Las Vegas, NV 89101

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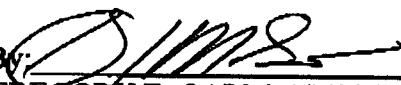
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*Counsel for the Official Committee of
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*Counsel for the Official Committee of Holders
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Approved/Disapproved by:
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**ACTING UNITED STATES TRUSTEE
REGION 17**

By: _____
AUGUST B. LANDIS, ESQ.
Assistant United States Trustee
300 Las Vegas Boulevard South, Suite 4300
Las Vegas, NV 89101

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LEWIS AND ROCA, LLP

Approved/Disapproved by:
GORDON & SILVER, LTD.

By:
ROB CHARLES, ESQ.
*Counsel for the Official Committee of
Unsecured Creditors of USA Commercial
Mortgage Company*

By:
GREGORY E. GARMAN, ESQ.
*Counsel for the Official Committee of Holders
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ORRICK, HERRINGTON & SUTCLIFFE
LLP**

Approved/Disapproved by:
**STUTMAN TREISTER & GLATT, P.C. and
SHEA & CARLYON, LTD.**

By:
ANNE M. LORADITCH, ESQ.
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Trust Deed Fund, LLC*

By:
CANDACE C. CARLYON, ESQ.
*Counsel for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund LLC*

Approved/Disapproved by:
SARA L. KISTER
**ACTING UNITED STATES TRUSTEE
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By:  **AUGUST B. LANDIS, ESQ.**
Assistant United States Trustee
300 Las Vegas Boulevard South, Suite 4300
Las Vegas, NV 89101

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Las Vegas, Nevada 89146-5088
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1 In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

2 ☐ The court has waived the requirement of approval under LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
5 unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each
6 has approved or disapproved the order, or failed to respond, as indicated below [list each party and
whether the party has approved, disapproved, or failed to respond to the document]:

Failed to respond:

7 BECKLEY SINGLETON, CHTD. and ORRICK, HERRINGTON & SUTCLIFFE LLP
8 STUTMAN TREISTER & GLATT, P.C. and SHEA & CARLYON, LTD.

9
10 ###

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